

FILE COPY

State of Wisconsin
Before the Dentistry Examining Board

In the Matter of Disciplinary Proceedings Against

Randal G. Stelzner, D.D.S.
Respondent
Case No. 92 DEN 157

FINAL DECISION AND ORDER

The parties to this action for purposes of s. 227.53, Stats., are:

Randal G. Stelzner, D.D.S.
10425 West North Avenue, #335
Wauwatosa WI 53226

Dentistry Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties in this matter agree to the terms and conditions of the attached stipulation as the final decision of this matter. Accordingly, the Board adopts the Stipulation and makes the following:

FINDINGS OF FACT

1. Randal G. Stelzner, D.D.S., the respondent herein, is licensed in the state of Wisconsin to practice dentistry. Dr. Stelzner was born on June 15, 1956, and was first licensed on June 2, 1982.
2. While Dr. Stelzner was practicing at a dental clinic operated by Smileage Dental Services, Inc., on July 6, 1991, he treated Patient S.G., by placing a post and core in preparation for placement of a crown.

3. Patient S.G. had been seen previously by other dentists practicing at the same dental clinic. Patient S.G. was non-compliant with scheduled treatment plans, and his care was often provided on an emergency basis rather than a scheduled plan.

4. At the time Dr. Stelzner treated Patient S.G. on July 6, 1991, Patient S.G. had a partially completed root canal on the tooth in which Dr. Stelzner placed the post and core.

5. Dr. Stelzner did not recognize that the root canal was only partially complete on the tooth in question. The patient record for Patient S.G. was incomplete, and the radiographs were not in the file at the time. Patient S.G. did not inform Dr. Stelzner that the root canal was in progress, but not complete.

6. The placement of a post and core before completion of a root canal is inappropriate sequencing of treatment.

CONCLUSIONS OF LAW

1. The Dentistry Examining Board has jurisdiction in this matter pursuant to s. 447.07, Stats.

2. By performing treatment out of sequence, without reference to radiographs or ascertaining the actual condition of the tooth, Dr. Stelzner engaged in a practice which substantially departs from the standard of care ordinarily exercised by a dentist, in violation of s. DE 5.02(5), Wis. Admin. Code, and s. 447.07(3)(a), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that Randal G. Stelzner, D.D.S., be and hereby is REPRIMANDED effective on the date of this Order.

Dated this 6 day of March, 1996.

WISCONSIN DENTISTRY EXAMINING BOARD



A member of the Board

State of Wisconsin
Before the Dentistry Examining Board

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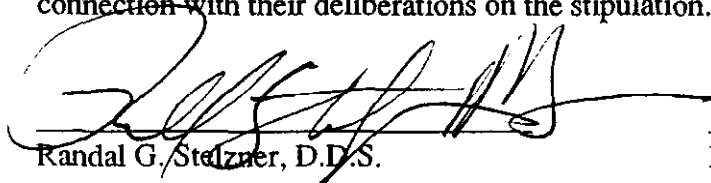
Stipulation

It is hereby stipulated between Randal G. Stelzner, D.D.S., personally and on his own behalf and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:

1. This stipulation is entered in resolution of the pending proceedings concerning Dr. Stelzner's license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Dentistry Examining Board for its consideration and adoption.
2. In resolution of these proceedings, Dr. Stelzner consents to the entry of the attached Final Decision and Order.
3. Dr. Stelzner is aware of and understands each of his rights, including:
 - the right to a hearing on the allegations against him, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
 - the right to confront and cross-examine the witnesses against him,
 - the right to call witnesses on his own behalf and to compel their attendance by subpoena,
 - the right to testify himself,
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision,
 - the right to petition for rehearing,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of his choosing, at his own expense,
 - all other rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Dr. Stelzner is aware and understands that by signing this stipulation he voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Dentistry Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.


Randal G. Stelzner, D.D.S.

1/10/96
Date

James E. Polewski
James E. Polewski
Attorney
Division of Enforcement

December 15, 1995
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN DENTISTRY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 7, 1996

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)